

SANTA MONICA MOUNTAINS CONSERVANCY

RAMIREZ CANYON PARK
5750 RAMIREZ CANYON ROAD
MALIBU, CALIFORNIA 90265
PHONE (310) 589-3200
FAX (310) 589-3207



December 2, 2008

Glenn Michitsch, Planner
City of Calabasas
100 Civic Center Way
Calabasas, California 91302

**Comments on Parksouth Lot Split Project Draft Initial Study/
Mitigated Negative Declaration, Stokes Canyon Watershed**

Dear Mr. Michitsch:

The Santa Monica Mountains Conservancy (Conservancy) has reviewed Parksouth Lot Split Project Draft Initial Study/Mitigated Negative Declaration (IS/MND). The Conservancy commented on a similar proposal in a June 24, 1999 letter. We offer the following comments on the currently proposed project.

Project Summary

Per the IS/MND (p. 3), the project consists of a request for a Parcel Map to split a 15.12-acre lot with an already graded pad into two lots, with the area not on the pad to be left as open space. No home development is proposed at this time; however, the site would eventually accommodate two single family homes with tennis courts and swimming pools. The total building area would not exceed 10,000 square feet (for each house), including the dwelling, garage, accessory structures, and not including basements, swimming pools, and spas. According to the meeting notice, the project also includes a request for an Oak Tree Permit to remove four scrub oaks.

According to the IS/MND (p. 4), the Parksouth subdivision was approved in the late 1980s for 15 lots. Building pads were installed as well as the necessary infrastructure. A lot split similar to the current proposal was approved in 2001, with a General Plan Amendment and Zone Change from OS/OS-RP to RS/R-SF for the existing graded building pad area. The approved tentative parcel map expired. The applicant no longer has the ability to provide open space easements for any lot besides Lot 7 because the other open space parcels have since been sold.

Need for Permanent Protection of Open Space on Property

The maximum amount of undisturbed open space should be set aside undisturbed on the project site (Assessor's Parcel Number [APN] 2069-013-048), and legal mechanisms must be established to guarantee protection of the open space. This is consistent with the City's General Plan, which includes the Resource Protection Standard to "maximize preservation of natural vegetation..." (IS/MND, p. 8). This is necessary to offset the increase in residential density and the loss of the open space designation. It is important to protect, in perpetuity, the relatively undisturbed native habitat located on the western edge of the property, which provides habitat connectivity to other adjacent open space to the southwest and north (as shown on the City's Trails Master Plan Exhibit 1 Trails Map). This legal mechanism to permanently protect the open space is vital to avoid future disturbance, development, and/or future permit applications on the open space, which would result in piece-mealing of the analysis of environmental impacts.

The City's Trails Master Plan Exhibit 1 Trails Map identifies a conservation easement that is monitored by Mountains Restoration Trust on the western portion of the property, but this is not identified in the IS/MND. The City should clarify whether this conservation easement is valid, recorded permanent conservation easement.

It is our understanding from a phone conversation with the owner that he is willing to voluntarily accept a condition to record a conservation easement over the open space on the subject property and we appreciate the owner's efforts in this regard. The Mountains Recreation and Conservation Authority (MRCA) is one entity that is appropriate to accept the conservation easement. Both the conditions of approval and the mitigation measures should require that the City have the opportunity to review and approve any conservation easement prior to recordation. The conditions of approval and the mitigation measures should also require that the conservation easement (or offer to dedicate [OTD] a conservation easement) be recorded prior to recordation of the Parcel Map or prior to the issuance of any grading or land clearing permits. The conservation easement must prohibit development, grading, vineyards, stables, equestrian facilities, fencing, lighting, vehicles, etc. Native plant restoration and trails should be allowed. In case there is any potential problem with including a conservation easement condition for the project and implementing it, the City should also require that a permanent deed restriction be recorded on the open space on the property that prohibits any development, grading, vineyards, stables, equestrian facilities, fencing, lighting, and vehicles.

When the homes and structures are proposed at a later time, we ask that the City require, or if that is not possible strongly encourage, that the homes and associated structures be

clustered and sited to the eastern edge and central portion of the graded pad to the maximum extent feasible. The biology report (p. 5; attached to the IS/MND) recommends that structures be located and constructed as far away from undisturbed habitat as possible to prevent impacts as much as possible to sensitive resources resulting from fuel modification. A worst-case scenario from a resource-protection standpoint would be if the homes and structures were situated at the edge of the graded pad and 200-feet of brush clearance were required to the north, west and south. Ideally, the two homes and associated structures would be clustered and situated such that no native habitat on the subject property (APN 2069-013-048) or adjacent properties (e.g., Lot 8 to the north and Lot 6 to the south) would be impacted by the new structures and brush clearance. Also, brush clearance areas for the two homes and associated structures should overlap with one another and with existing brush clearance areas on adjacent properties.

However, if this maximum avoidance of habitat impacts is not possible, the structures should be located to minimize the disturbance to the native habitat on both the subject and adjacent parcels. For example, one way to do this is to require that structures requiring brush clearance be located no less than 100 feet to the inside from the edge of the border of the existing pad on the subject property (where the pad interfaces with the subject lot). That way, the impacts to native plant communities would be no greater than 100 feet wide in any direction (assuming a required 200-foot-wide fuel modification zone). This is consistent with recommendations in the biology report (p. 5) to construct structures at least 100 feet away from undisturbed habitats to prevent fuel modification impacts to sensitive resources potentially onsite.

The Conservancy also strongly recommends that the applicant offer and that City require funding be provided for monitoring of the conservation easement. Open space dedications are a form of mitigation. For such mitigation to stand the test of time, it must be protected and in some cases actively managed. A complete open space mitigation package must include funding for monitoring. The accepting agency would be taking on a new responsibility with associated costs and this funding would offset those costs. Is there a mechanism that the City can use to permanently bind the two future homeowners to each pay an annual \$250 inspection fee to the easement holder(s) for the life of the project? The conditions of approval and the mitigation measures must require that the funding mechanism be established prior to recordation of the Parcel Map or prior to the issuance of any grading or land clearing permits.

Need for Trail Easement

The City of Calabasas Trails Master Plan identifies a Proposed New Trail through the subject property, along the western portion of the property, identified as the Calabasas-Mulholland Connector. This proposed trail is in a north-south alignment traversing off the property to connect to Calabasas Parkway to the north, and to Mulholland Highway to the south. The project must accommodate this trail alignment to avoid adverse recreational impacts (i.e., preventing the completion of this planned trail). Per the City's Trails Master Plan (p. 14), "[t]he City should require recreation and trail planning and construction as a condition of approval for future development projects." For this project, the applicant should offer a grant of trail easement, or an OTD, along the western edge of the property as part of the proposed project. This offer should be reflected in the conditions of approval for the project. The conditions should specify that the City shall review and approve the trail easement language. The conditions should require that the trail easement or OTD be recorded prior to recordation of the Parcel Map or prior to the issuance of any grading or land clearing permits, whichever comes first. The MRCA is one entity that is appropriate to accept the conservation easement.

Although the actual trail when constructed would be approximately six to eight feet in width, it is important that there is flexibility in the location of the trail and wording of the trail easement. During construction it is important to have adequate flexibility in order to minimize biological impacts, minimize erosion, maximize compatibility with the proposed and existing homes, accommodate constraints of the land (e.g., geological, topography), and retain options for connecting to other future trails on adjacent properties. We recommend that a trail easement be offered along the western 300-feet of the property (APN 2069-013-048). The exception is that the existing concrete drains that can be seen on the aerial photo west of the graded pad should be excluded from this trail easement.

On another note, we also recommend that the biologist's recommendation be incorporated into the mitigation measures for the project. This includes pre-construction/grading surveys by a qualified biologist if vegetation clearing (including tree pruning and removal) or other project construction is initiated during the bird breeding season and a pre-construction survey for special status plant species and wildlife.

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We also recommend that all of the issues raised in this letter be included in the staff report for any upcoming hearings. Thank you for your consideration of these comments. Please maintain our agency on the mailing list for this project. If you have any questions, please contact Judi Tamasi of our staff at the above address and by phone at (310) 589-3200, ext. 121 or email at judi.tamasi@mrca.ca.gov.

Sincerely,

RONALD P. SCHAFER
Chairperson